

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

<b>CLIFFORD F. TUTTLE, JR., <i>et al</i>,</b>	§	
	§	
<b><i>Plaintiffs,</i></b>	§	
	§	
<b>v.</b>	§	<b>Civil Action No. 4:21-cv-00270</b>
	§	
<b>CITY OF HOUSTON, <i>et al</i>,</b>	§	
	§	
<b><i>Defendants.</i></b>	§	

**CONSOLIDATED WITH**

<b>JOHN NICHOLAS, <i>et al</i>,</b>	§	
	§	
<b><i>Plaintiffs,</i></b>	§	
	§	
<b>v.</b>	§	<b>Civil Action No. 4:21-cv-00272</b>
	§	
<b>CITY OF HOUSTON; <i>et al</i>,</b>	§	
	§	
<b><i>Defendants.</i></b>	§	

**DEFENDANTS ASHRAF, GONZALES, LOVINGS, MEDINA, PARDO, REYNA,  
SALAZAR, SEPOLIO, AND WOOD’S, OBJECTIONS TO EXHIBITS AND MOTION  
TO CLOSE THE COURTROOM AND SEAL PRETRIAL AND TRIAL RECORD**

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

Defendants Nadeem Ashraf, Cedell Lovings, Frank Medina, Oscar Pardo, Clemente Reyna, Manuel Salazar, Eric Sepolio, Thomas Wood, and Robert Gonzales (collectively “Defendant-Officers”) file these objections to trial exhibits of all parties and motion to close the courtroom and seal the trial record:

**I. Exhibit and Witness List**

Without agreeing to the admissibility or authenticity of any exhibit, Defendant-Officers reserve the right to call any witnesses or proffer any exhibits identified by any other party’s exhibit and witness list.

## II. Objection to IAD investigation files and Motion to Close the Courtroom and Seal the Trial Record

Defendant-Officers object to the admission of Internal Affairs Division (IAD) investigation files, *Garrity* statements, investigative reports, summaries and findings, recommendations, and records of any discipline, including but not limited to those identified by the City's Exhibits: 15, 16, 17, 18, 19, 21, 22, 25, 26, 27, 28, 29, 31, 32, 203, 237, 238, 239, 240, 242, 243, 244, 245; and Plaintiffs' Exhibits: 136, 137, 144, 154, 159, 162, 163, 226, 228, 243, 259, 260, 275, 276, 281, 338, 339, 387, 390, 392, 393, 402, 406, 410, 414, 415, 419, 422, 426, 428, 431, 436, 437, 440, 443, 447, 450, 453, 454.

Courts have recognized that the public has a common law right to inspect and copy judicial records. *Nixon v. Warner Communications, Inc.*, 435 U.S. 589, 597 (1978); *Belo Broadcasting Corp. v. Clark*, 654 F.2d 423, 429 (5th Cir. 1981). Public access serves important interests, such as "to promote trustworthiness of the judicial process, to curb judicial abuses, and to provide the public with a more complete understanding of the judicial system, including a better perception of fairness." *S.E.C. v. Van Waeyenberghe*, 990 F.2d 845, 848 (5th Cir. 1993). A motion to seal implicates the right to public access, and therefore, the First Amendment. *See Lawson v. Louisiana Eye Center of N.O.*, 1997 U.S. Dist. LEXIS 9818, 1997 WL 375752, \*1 (E.D. La. 1997). 990 F.2d 845, 849 (5th Cir. 1993), citing *Littlejohn v. BIC Corp.*, 851 F.2d 673, 682 (3d Cir. 1988).

The public's common law right of access is not absolute. *Nixon*, 435 U.S. at 598; *see Belo*, 654 F.2d at 430. "Every court has supervisory power over its own records and files, and access has been denied where court files might have become a vehicle for improper purposes." *Nixon*, 435 U.S. at 598. Thus, the common law merely establishes a presumption of public access to judicial records. *Ins. Distribs. Int'l (Bermuda) Ltd. v. Edgewater Consulting Grp. Ltd.*, No. A-08-CA-767 AWA, 2010 U.S. Dist. LEXIS 77957, at \*3 (W.D. Tex. Aug. 2, 2010) (citing *Littlejohn v.*

*BIC Corp.*, 851 F.2d 673, 678 (3d Cir. 1988). To determine whether to disclose or seal a judicial record, the Court must balance the public's common law right of access against interests favoring non-disclosure. *See Van Waeyenberghe*, 990 F.2d at 848. Accordingly, "the district court's discretion to seal the record of judicial proceedings is to be exercised charily." *See Van Waeyenberghe*, 990 F.2d at 848, citing *Federal Savings & Loan Ins. Corp. v. Blain*, 808 F.2d 395, 399 (5th Cir. 1987).

The existing and potential future criminal charges against various defendants, the unavoidable violation of the Supreme Court's proscriptions in *Garrity v. New Jersey* by all the evidence in this case, which is inseparable from the *Garrity* statements and protected investigation files, and the public's interest in maintaining fairness of judicial proceedings outweigh the public's interest in access.

**A. Admission and disclosure of compelled statements is prohibited by *Garrity* and will irreparably harm the Defendant-Officers.**

Police officers "are not relegated to a watered-down version of constitutional rights." *Garrity*, 385 U.S. at 500. The Fourteenth Amendment, therefore, prohibits the use of coerced statements, obtained under threat of termination by the government, in subsequent criminal proceedings. *Garrity v. New Jersey*, 385 U.S. 493, 500 (1967). U.S. Const. amend. XIV. Accordingly, if a statement is protected by *Garrity*,

[i]n a later prosecution of the individual, the government cannot use his immunized testimony itself or any evidence that was tainted—substantively derived, shaped, altered, or affected—by exposure to the immunized testimony. Nor can the government use it to develop investigatory leads, to focus an investigation on a witness, or to motivate another witness to give incriminating testimony.

*Oliver v. State*, No. 05-18-01057-CR, 2020 Tex. App. LEXIS 6279, at \*6 (Tex. App. Aug. 10, 2020), citing *United States v. Slough*, 641 F.3d 544, 549 (D.C. Cir. 2011) (internal citations and quotations omitted). Stated simply, neither the *Garrity* statement nor evidence derived from the

statement may be used against the officer in a criminal prosecution. *See id.* Defendant-Officers therefore request that the Courtroom be closed, and the trial record sealed, as any evidence presented at trial will violate *Garrity*.

The disclosure of information contained in or developed using IAD investigations at trial will irreparably harm various individual defendants that are facing criminal charges, as the District Attorney and the public will have access to information the Supreme Court has prohibited. “Courts presiding over a civil proceeding that runs parallel to a criminal proceeding must exercise care to ‘avoid irreparably damaging a defendant's ability to receive a fair trial’ and must not allow ‘liberal civil discovery procedures to be used as a 'back door' to access information beyond the reach of criminal discovery.’” *Brown v. Baton Rouge Police Dep't*, No. 23-1313-JWD-EWD, 2024 U.S. Dist. LEXIS 21273, at \*9 (M.D. La. 2024), citing *In re Grand Jury Subpoena*, 866 F.3d 231, 234 (5th Cir. 2017, citing *Campbell v. Eastland*, 307 F.2d 478, 487 (5th Cir. 1962) (“A litigant should not be allowed to make use of the liberal discovery procedures applicable to a civil suit as a dodge to avoid the restrictions on criminal discovery and thereby obtain documents he would not otherwise be entitled to for use in his criminal suit.”) and *In re Eisenberg*, 654 F.2d 1107, 1113 (5th Cir. 1981) (“[L]iberal civil discovery procedures [are] not a 'back door' to information otherwise beyond reach under the criminal discovery rules.”).

The District Attorney previously explained the prohibition and the danger of releasing information contained in or obtained with access to information in an IAD file.<sup>1</sup> Despite these dangers, the District Attorney attempted to obtain the depositions in this case for use in the criminal

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<sup>1</sup>See Transcript of 5/17/2021 motion hearing at 22:23 – 24:1. (“The one problem that I also envision with regard to the ID investigation, for example, is that there is *Garrity* information involved that cannot be part of our criminal prosecution. So if that is produced to the plaintiffs – [...] And so -- but it plays into this issue and conundrum we're dealing with if the *Garrity* information, even if it's not permitted – [...] But if it's produced to the plaintiffs in this case and is utilized in active, ongoing discovery, it's utilized for them to create reports and to conduct additional discovery that may impact the criminal case. It may create testimony or other evidence that will come into the attention of the prosecution, which would be tremendously problematic.”)

proceedings. *See* Exhibit 1 (4/1/2024 correspondence from the District Attorney’s Office). The latest indictments against Defendant-Officers were returned on October 15, 2024.<sup>2</sup> Any criminal trial will occur long after this trial. And given the applicable 10-year statute of limitations,<sup>3</sup> utilizing this information at trial will permit unfettered use of protected *Garrity* information against the defendants and others, and taint potential jurors.

Finally, the parties have access to voluntary witness statements and evidence that does not violate *Garrity* through offense reports, the Houston Police Department Special Investigations Unit (SIU) files, as well as the Texas Rangers’ investigation. The IAD and SIU investigation files are kept completely separate “to comply with existing Supreme Court precedent established in *Garrity*.” *Alvarez v. City of Brownsville*, Civil Action No. B: 11-78, 2013 U.S. Dist. LEXIS 194540, at \*46-49 (S.D. Tex. 2013), quoting *Salas v. Carpenter*, 980 F.2d 299, 306 (5th Cir.1992). Violation of *Garrity* is therefore unnecessary.

**B. Employer investigations and discipline are inadmissible.**

Internal personnel investigations into whether a defendant violated HPD general orders, rules and regulations, are inadmissible in a civil rights trial against individual officers. Such evidence is irrelevant because the issue in a §1983 excessive force claim is whether the officer violated clearly established Constitutional rights or federal law, not whether the officer violated department policies. *See Davis v. Scherer*, 468 U.S. 183, 193-194 (1984). Conduct by an officer that may violate some policy is not necessarily constitutionally unreasonable because government agencies are free to hold their employees to higher standards than the Constitution requires. *See Smith v. Freland*, 954 F.2d 343, 347 (6th Cir. 1992). Moreover, the jury must evaluate whether

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<sup>2</sup> *See e.g., State of Texas v. Oscar Pardo*, Cause No. 1889204, in the 482<sup>nd</sup> Criminal District Court of Harris County, Texas.

<sup>3</sup> Tex. Code. Crim. Proc. §12.01(2)(B) (theft by a public servant of government property).

each Defendant is liable based on the facts at the time of the incident in question, not what should have or could have been done. *See also Anderson v. Creighton*, 483 U.S. 635, 639 (1987) (because reasonableness is evaluated at the time the disputed actions were taken, “hindsight testimony” irrelevant); *Tennessee v. Garner*, 471 U.S. 1, 7 (1985) (a jury must decide the conduct of the officer based upon the “totality of the circumstances.”); *Graham v. Connor*, 490 U.S. 386, 396 (1989) (“The ‘reasonableness’ of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with 20/20 vision of hindsight.”). The risk of such external/departmental findings and/or employee discipline for alleged policy violations by a preponderance of the evidence being substituted for a finding of civil rights liability by the jury greatly outweighs any probative value of IAD findings or discipline.

Internal investigative findings and discipline prior or subsequent to the events at issue in this case are not relevant to any issue to be decided by the jury and are inadmissible character evidence. *See Fed. R. Evid. 401, 402, 403 and 404. Williams v. Martin*, 570 F. App'x 361, 364 (5th Cir. 2014) (holding that the court properly excluded the evidence as inadmissible character or prior bad act evidence under Rule 404(a) and (b) of the Federal Rules of Evidence. Character evidence is inadmissible to show that a person acted in accordance with that character on a particular occasion. *See Fed. R. Evid. 404(a)(1)*. In addition, “[e]vidence of a crime, wrong, or other act is not admissible to prove a person's character in order to show that on a particular occasion the person acted in accordance with the character.” *Fed. R. Evid. 404(b)(1)*)).

Any statement, comment, testimony or argument regarding IAD investigation findings, training or discipline a defendant may have received after the incident at issue in this litigation constitutes a subsequent remedial measure that is not admissible to prove culpable conduct. *Fed. R. Civ. Pro. 407; Wright v. City of Philadelphia*, 685 Fed. Appx. 142, 149 (3rd Cir. 2017).

**III. Objections to Plaintiffs' Exhibits**

<b>Pltfs No.</b>	<b>Description</b>	<b>Objections</b>
PX002	COH38485 - COH38488 , Search Warrant; Affidavit: Tac Plans: NOCC - 02/01/2019	Hearsay
PX003	COH74954 - COH76994, HPD Incident Report No. 1120670-19 SIU Investigation of 6 prior cases investigated by Goines	Hearsay
PX004	COH76995 - COH77315, HPD Incident No. 121337-19 (OIS) Original and 198 supplements	Hearsay
PX005	COH77316 - COH77697, HPD Incident No. 133932-19 (SW) Original and 108 supplements	Hearsay
PX006	COH36217 - COH36411, HPD Incident No. 120867-19 (Narcotics at 7815 Harding) Original and supplements	Hearsay
PX008	COH4056 - BWC Witness Interview - 01/28/2019	Hearsay
PX021	COH4080 - Audio Interview - Reyna (7:15) - 02/05/2019	Hearsay
PX022	COH4081 - Audio Interview - Sepolio (1:48) - 02/05/2019	Hearsay
PX023	COH4082 - Audio Interview - Gallegos (2:47) - 02/05/2019	Hearsay
PX024	COH4083 - Audio Interview - Medina (4:59) - 02/05/2019	Hearsay
PX025	COH4084 - Video Interview - Goines (32:47) - 02/13/2019	Hearsay
PX026	COH4085 - Audio Interview - Maxwell (3:10) - 02/05/2019	Hearsay
PX027	COH4086 - Audio Interview - Salazar (4:10) -	Hearsay

Pltfs No.	Description	Objections
	02/05/2019	
PX028	COH4087 - Audio Interview - Todd (14:30) - 02/07/2019	Hearsay
PX029	COH4088 - Audio Interview - NBR (17:15) - 02/05/2019	Hearsay
PX030	COH4089 - Audio Interview - Pardo (2:43) - 02/05/2019	Hearsay
PX031	COH4091 - Audio Interview - Garza (2:05) - 02/05/2019	Hearsay
PX032	COH4092 - Audio Interview - Wood (05:52) - 02/05/2019	Hearsay
PX033	COH4093 - Audio Interview - Rios (03:59) - 02/05/2019	Hearsay
PX042	COH4109 - Cell Phone Video (2:34)	Contains hearsay; unfair prejudice outweighs probative value
PX043	COH4110 - Audio Phone Call (6:16)	Hearsay
PX044	COH4268 - Audio Interview - Arechiga (7:23) - 02/05/2019	Hearsay
PX045	COH4269 - Audio Interview - Ashraf (16:13) - 02/05/2019	Hearsay
PX046	COH4270 - Audio Interview - Gonzales (9:14) - 02/05/2019	Hearsay
PX047	COH4271 - Audio Interview - Reyna (7:15) - 02/05/2019	Hearsay
PX048	COH4272 - Audio Interview - Ashraf (6:08) - 02/27/2019	Hearsay
PX049	COH4273 - Audio Interview - Pardo (4:24) - 02/27/2019	Hearsay
PX050	COH4274 - Audio Interview - Maxwell (4:02) - 02/27/2019	Hearsay
PX051	COH4275 - Audio Interview - Gallegos (6:25) - 02/27/2019	Hearsay



Pltfs No.	Description	Objections
PX052	COH4276 - Audio Interview - Salazar (6:36) - 02/27/2019	Hearsay
PX053	COH4277 - Audio Interview - Reyna (8:58) - 02/27/2019	Hearsay
PX054	COH4278 - Audio Interview - Medina (3:40) - 02/27/2019	Hearsay
PX055	COH4279 - Audio Interview - Wood (8:01) - 02/27/2019	Hearsay
PX056	COH4280 - Audio Interview - Gonzales (5:55) - 02/27/2019	Hearsay
PX057	COH4281 - Audio Interview - Bryant (19:05) - 02/07/2019	Hearsay
PX058	COH14349 - Video Interview - CI #1 (Calvin) (57:02) - 01/30/2019	Hearsay; unfair prejudice outweighs probative value;
PX059	COH14350 - COH14356, Audio Interviews of Harding Street residents	Hearsay
PX060	COH14357 - COH14359, Audio Interviews SIU	Hearsay
PX061	COH14360 - Audio Interview - CI #1 Calvin	Hearsay; unfair prejudice outweighs probative value; revealing identity could be life-threatening to CI
PX062	COH14361 - COH14370, Audio Interviews SIU	Hearsay
PX063	COH14371 - Audio Interview - CI #2	Hearsay; unfair prejudice outweighs probative value; revealing identity could be life-threatening to CI
PX064	COH14372 - COH14373, Audio Interviews SIU	Hearsay
PX065	COH14374 - Audio Interview - CI	Hearsay; unfair prejudice outweighs probative value;
PX066	COH14375 - COH14378, Audio Interviews SIU	Hearsay
PX067	COH14379 - Video Interview - CI #2	Hearsay; unfair prejudice outweighs probative value; revealing identity could be life-threatening to CI

Pltfs No.	Description	Objections
PX068	COH14380 - Audio Interview - CI #2	Hearsay; unfair prejudice outweighs probative value; revealing identity could be life-threatening to CI
PX069	COH14381 - Audio Interviews SIU	Hearsay
PX070	COH14382 - Video Interview - CI #2	Hearsay; unfair prejudice outweighs probative value; revealing identity could be life-threatening to CI
PX071	COH14383 - Video Interview SIU - Goines	Hearsay
PX072	COH14384 - Audio Interview SIU - Goines	Hearsay
PX073	COH14385 - COH14386, Video & Audio Interviews - Lisa	Hearsay; unfair prejudice outweighs probative value; revealing identity could be life-threatening to CI
PX074	COH14387 - COH14388, Video & Audio Interview - CI #2	Hearsay; unfair prejudice outweighs probative value; revealing identity could be life-threatening to CI
PX075	COH14389 - COH14390, Video Interview CI	Hearsay; unfair prejudice outweighs probative value; revealing identity could be life-threatening to CI
PX076	COH14391 - Audio Interview - Mariah	Hearsay; unfair prejudice outweighs probative value; revealing identity could be life-threatening to CI
PX077	COH14392 - COH14436, (continued SIU interviews)	Hearsay
PX079	COH14441 - Audio Interview - P Garcia	Hearsay
PX080	COH14442 - COH14446, Handwritten Notes	Hearsay; lacks authenticity b/c missing the back
PX085	COH34807 - Video - Taste of Texas - 01/27/2021	Relevance; unfair prejudice outweighs probative value; lacks authenticity
PX091	COH64270 - Audio Interview (1:16:36) - 03/29/2019	Hearsay
PX092	COH64719 - Audio Interview (1:17:41) - 03/21/2019	Hearsay
PX093	COH64721 - Audio Interview (1:06:15) - 03/27/2019	Hearsay
PX094	COH64722 - Audio Interview (1:25:05) - 03/29/2019	Hearsay
PX095	COH64723 - Audio Interview (1:13:39) - 03/28/2019	Hearsay

Pltfs No.	Description	Objections
PX096	COH64724 - Audio Interview (1:30:21) - 03/27/2019	Hearsay
PX097	COH64725 - Audio Interview (1:23:41) - 03/28/2019	Hearsay
PX098	COH64726 - Audio Interview (1:09:51) - 03/21/2019	Hearsay
PX099	COH64727 - Audio Interview (1:09:51) - 03/29/2019	Hearsay
PX100	COH64728 - Audio Interview (1:47:58 - 04/01/2019	Hearsay
PX101	COH64729 - Audio Interview (25:39) - 03/20/2019	Hearsay
PX102	COH64730 - Audio Interview (1:30:46) - 04/03/2019	Hearsay
PX106	COH54606.wav - Ron Tuttle Interview - 02/12/2019	Hearsay
PX107	COH77760 - COH77762, 2019 Houston Police Department Narcotics Division Operational Review	Hearsay; unfair prejudice outweighs probative value
PX108	COH0005358 - COH5423, Plaintiff Ex 21 (Marsha Todd) 2019 Houston Police Department Narcotics Division Operational Review; 2019 Audit Report	Hearsay; unfair prejudice outweighs probative value
PX109	COH5417 - COH5419, Plaintiff Ex 21A; Excerpts from 2019 Final Report; Recommendations from Narcotics Audit Report - 2019-00-00	Hearsay; unfair prejudice outweighs probative value; excerpts lack authenticity;
PX110	COH 38995 - COH39036, Audit of Gerald Goines Cases 2016-2019	Hearsay; unfair prejudice outweighs probative value

Pltfs No.	Description	Objections
PX111	COH38450 - COH38474, Case Activity Sheets- French Depo Ex. 41 2023-11-14	Hearsay; unfair prejudice outweighs probative value
PX112	TUTTLE 492 - TUTTLE 566, Dennis Wayne Tuttle Autopsy Report dated 2019-01-30 (75 pp)	Hearsay; unfair prejudice outweighs probative value
PX113	TUTTLE 567 - TUTTLE 601, Dennis Wayne Tuttle Autopsy Report dated 2019-01-30 (35 pp)	Hearsay; unfair prejudice outweighs probative value
PX114	COH77698 - COH77699, BARC Animal Shelter Activity Report 2019-01-28; 7815 Harding Street - 01/28/2019	Relevance; unfair prejudice outweighs probative value
PX115	COH83416 - COH83424, Multiple X-rays images of dog	Relevance; unfair prejudice outweighs probative value
PX116	COH83425 - COH83425, BARC Animal Shelter History for Bayleigh	Relevance; unfair prejudice outweighs probative value
PX117	COH83427 - COH83428, BARC Animal Shelter Confiscate Intake 2019-01-29 - 01/29/2019	Relevance; unfair prejudice outweighs probative value
PX118	COH83429 - COH83429, City of Houston Animal Shelter; Intake 2019-01-29 for deceased dog - 01/29/2019	Relevance; unfair prejudice outweighs probative value
PX119	COH83430 - COH83430, City of Houston Animal Shelter; Dr. Whittenberg note - 01/29/2019	Relevance; unfair prejudice outweighs probative value
PX120	TUTTLE 4722 - TUTTLE 4767, Cellebrite Extraction Reports created 2021-10-28	Contains Hearsay; unauthenticated
PX121	TUTTLE 4768 - TUTTLE 4787, Cellebrite Extraction Reports created 2021-10-28	Contains hearsay; unauthenticated
PX126	Termeulen Depo Pl Ex A- Notice of Deposition of City Representative Part 1 - 05/10/2024	Relevance; unfair prejudice outweighs probative value

Pltfs No.	Description	Objections
PX127	Duplechain Depo Pl Ex B- Notice of Deposition of City Representative Part 2 - 06/12/2024	Relevance; unfair prejudice outweighs probative value
PX128	COH4084 - COH4084, Gerald Goines statement from hospital (video)	Hearsay
PX130	COH77437 - COH77439, NBR Depo Pl Ex 2, Nicole Blankenship-Reeves Interview (Summary) - 02/05/2019	Hearsay
PX131	COH77439 - COH77439, Plaintiff Ex 2A, Medina/group photo plan - 02/05/2019	Hearsay
PX132	COH77140 - COH77144, NBR Depo Pl Ex 3, 121337 Supp 72 - 02/27/2019	Hearsay; best evidence rule; cumulative
PX134	COH36285 - COH36287, NBR Depo Pl Ex 5, Blankenship-Reeves Handwritten Notes	Hearsay; lacks authenticity
PX135	COH2285 - COH2285, NBR Depo Pl Depo Ex 6, Photo- Gallegos Raid Team Member	Unfair prejudice outweighs probative value
PX136	COH5735 - COH5742, NBR Depo Pl Ex 7, Nicole Blankenship- Reeves IAD Administrative Statement OIS - 03/18/2019	<i>Gerrity</i> ; unfair prejudice outweighs probative value
PX137	COH37653 - COH37657, NBR Depo Pl Ex 8, Nicole Blankenship- Reeves IAD Administrative Statement SW - 03/18/2019	<i>Gerrity</i> ; unfair prejudice outweighs probative value
PX139	COH77673 - COH77680, NBR Depo Pl Ex 10, 133932 Supp 92 & 93	Hearsay; best evidence rule; unfair prejudice outweighs probative value
PX140	COH77684 - COH77684, NBR Depo Pl Ex 11, 133932 Supp 97	Hearsay; best evidence rule; unfair prejudice outweighs probative value
PX141	COH77398 - COH77398, Morales Depo Pl Ex 12, from 133932 Supp 47	Hearsay; best evidence rule; unfair prejudice outweighs probative value
PX142	COH6640 - COH6641, Morales Depo Pl Ex 13, Richard Morales Witness Statement SIU OIS -	

Pltfs No.	Description	Objections
	01/29/2019	
PX143	COH77442 - COH77442, Morales Depo Pl Ex 14, from 133932 Supp 48 - 02/06/2019	Hearsay; best evidence rule
PX144	COH5687 - COH5693, Morales Depo Pl Ex. 15, Richard Morales Administrative Statement IAD OIS - 03/18/2019	<i>Gerrity</i> ; unfair prejudice outweighs probative value
PX145	COH47085 - COH47086, Todd Depo Pl Ex 16, HPD December 2017 Course Outline Supervisor/Mgmt Training - 2017-12-00	Relevance; hearsay;
PX146	COH45471 - COH45516, Todd Depo Pl Ex 17, Houston Police Academy Roster 2017-2018 Supervisor Mandatory - 12/12/2017	Relevance; hearsay
PX147	COH47103 - COH47106, Todd Depo Pl Ex 18, Houston Police Academy Instructor Lesson Plan 2018-2019	Relevance; hearsay
PX148	COH47108 - COH47141, Todd Depo Pl Ex 19, (Todd Depo); Graham training program - 04/02/2019	Relevance; unfair prejudice outweighs probative value
PX149	S2023.09-01 #00331 - S2023.09-01 #00335, Todd Depo Pl Ex 20, HCDAO Report	Hearsay; unfair prejudice outweighs probative value
PX150	COH5358 - COH5423, Todd Depo Pl Ex 21, (Todd Depo) 2019 HPD Narcotics Division Operational Audit - 2019-00-00	Duplicative; Hearsay; unfair prejudice outweighs probative value; excerpts lack authenticity;
PX151	COH5417 - COH5419, Plaintiff Ex 21A, Excerpts from 2019 Narcotics Audit Report - 2019-00-00	Duplicative Hearsay; unfair prejudice outweighs probative value; excerpts lack authenticity;

Pltfs No.	Description	Objections
PX152	COH74794 - COH74804, Todd Depo PI Ex 22, (Todd Depo); Audit findings on type of Goines work	Hearsay; unfair prejudice outweighs probative value; excerpts lack authenticity;
PX153	COH77444 - COH77445, Todd Depo PI Ex 23, Todd interview report; Incident 133932-19 Suppl 0048 - 02/07/2019	Hearsay
PX154	COH37666 - COH37686, Todd Depo PI Ex 24, Marsha Todd Administrative Interview IAD SW - 03/20/2019	<i>Gerrity</i> ; hearsay; unfair prejudice outweighs probative value
PX155	COH36288 - COH36293, Todd Depo PI Ex 25, Todd texts	Hearsay
PX156	COH77520 - COH77521, Todd Depo PI Ex 26, report on Todd texts; Incident 133932-19 Suppl 0048	Hearsay
PX157	Todd Depo PI Ex 27, HPD Organizational Chart	Hearsay
PX159	COH5426 - COH5481, Nguyen Depo PI Ex 29, AD Excessive Force Report- Nguyen	<i>Gerrity</i> ; Hearsay; unfair prejudice outweighs probative value
PX160	COH77698 - COH77699, Nguyen Depo PI Ex 30, BARC activity report - 01/28/2019	Relevance; hearsay; unfair prejudice outweighs probative value
PX161	COH37438 - COH37443, French Depo PI Ex 31, 7815 Harding St. warrant, affidavit and return	Duplicative
PX162	COH37473 - COH37539, French Depo PI Ex 32, IAD SW Investigation (Issue Record 54155-2019); French IAD Summary - 05/06/2019	<i>Gerrity</i> ; hearsay; unfair prejudice outweighs probative value
PX163	COH37540 - COH37640, French Depo PI Ex 33, IAD SW Investigation (Issue Record 54155-2019); J.P. Rexroad IAD report - 05/01/2019	<i>Gerrity</i> ; hearsay; unfair prejudice outweighs probative value

Pltfs No.	Description	Objections
PX164	French Depo Pl Ex 34, French employment history - 11/14/2023	Relevance; hearsay;
PX165	COH77428 - COH77429, Antu Dep Pl Ex 35, Antu interview record; Incident 133932-19 Suppl 0048 - 02/04/2019	Hearsay
PX168	COH46068 - COH46072, French Depo Pl Ex 37, LT Gonzales efficiency rating period ending 2018-02-28 - 2018-00-00	Hearsay; relevance; unfair prejudice outweighs probative value
PX169	COH46063 - COH46067, French Depo Pl Ex 38, LT Gonzales 2018 efficiency rating period ending 2018-08-31 - 2018-00-00	Hearsay; relevance; unfair prejudice outweighs probative value;
PX170	COH46058 - COH46062, French Depo Pl Ex 39, LT Gonzales 2019 Follis efficiency rating period ending 2019-02-28 - 2019-00-00	Hearsay; relevance; unfair prejudice outweighs probative value
PX171	COH43090 - COH43098, French Depo Pl Ex 40, LT Gonzales separation from HPD - 05/11/2020	Hearsay; relevance; unfair prejudice outweighs probative value
PX172	COH38450 - COH38474, French Depo Pl Ex 41, Goines Annotated Case Activity Sheets	Hearsay; relevance; unfair prejudice outweighs probative value
PX173	TUTTLE 674 - TUTTLE 677, French Depo Pl Ex 42, Goines murder indictment - 08/23/2019	Hearsay; relevance; unfair prejudice outweighs probative value
PX174	Sepolio Depo Pl Ex 42, Illustration/Photo of Rhogena fatal bullet	Hearsay; relevance; unfair prejudice outweighs probative value; lacks authenticity; <i>Daubert</i> unreliable expert opinion; demonstratives are not substantive evidence
PX175	COH38995 - COH39036, French Depo Pl Ex 43, Audit of Gerald Goines' Narcotics cases	Hearsay; unfair prejudice outweighs probative value
PX176	Sepolio Depo Pl Ex 43, Photo outside trajectory tracing	Hearsay; relevance; unfair prejudice outweighs probative value; lacks authenticity; <i>Daubert</i> unreliable expert opinion; demonstratives are not substantive evidence



Pltfs No.	Description	Objections
PX177	COH38352 - COH38357, French Depo Pl Ex 44, 2721 Napoleon Street warrant - 01/22/2019	Hearsay; unfair prejudice outweighs probative value;
PX178	Lovings 2/14/24 Depo Pl Ex 45, Rhogena death scene photo (Same as Plaintiff Ex. 64)	Duplicative
PX179	Plaintiff Ex 45A, Rhogena death scene photo with medina locale circled	Hearsay; testimony
PX181	Sepolio Depo Pl Ex 46, Photo of gunshots into dining room wall	Hearsay; relevance; unfair prejudice outweighs probative value; lacks authenticity; <i>Daubert</i> unreliable expert opinion;
PX182	Plaintiff Ex 47, Close up photo of gunshots into dining room wall	Hearsay; relevance; unfair prejudice outweighs probative value; lacks authenticity; <i>Daubert</i> unreliable expert opinion;
X183	Plaintiff Ex 48, Wall gunshot lead testing final report by Jeff Goudeau - 07/21/2019	Hearsay; relevance; unfair prejudice outweighs probative value; lacks authenticity; <i>Daubert</i> unreliable expert opinion;
PX184	COH1431 - COH1465, Beynon Depo Pl Ex 50, Dennis Tuttle's Autopsy report - 03/04/2019	Duplicative
PX185	COH1466 - COH1481, Beynon Depo Pl Ex 51, Rhogena Nichols' Autopsy report - 03/06/2019	Duplicative
PX186	COH814 - COH814, Beynon Depo Pl Ex 52, autopsy photo of Dennis Tuttle's legs	Unfair prejudice outweighs probative value
PX187	COH925 - COH925, Beynon Depo Pl Ex 53, autopsy photo of Dennis Tuttle (nude)	Unfair prejudice outweighs probative value
PX188	COH834 - COH1183, Beynon Depo Pl Ex 54, autopsy photos of Tuttle left hand, Bates numbers COH00000834, COH00000837-841, COH00000978-980, COH00001179-00001183	Unfair prejudice outweighs probative value
PX189	TUTTLE 8 - TUTTLE 83, Beynon Depo Pl Ex 55, autopsy photos of Tuttle bones	Unfair prejudice outweighs probative value

Pltfs No.	Description	Objections
PX190	COH830 - COH977, Beynon Depo Pl Ex 56, autopsy photos of Tuttle left arm, Bates numbers COH00000830-833, COH00000835- 36, COH00000869-72, COH00000956-61, COH00000974-77	Unfair prejudice outweighs probative value
PX191	COH842 - Beynon Depo Pl Ex 57, autopsy photos of Tuttle bandaged right hand, Bates nos. COH00000842-846, 952-953, 987-990, 1173-1176, 1 pg of 3 color photos (no Bates), photo of rt hand/x-ray image/bullet fragments/thought process, TUTTLE 000388- 389	Unfair prejudice outweighs probative value
PX210	COH35403 - COH35403, Follis Depo Pl Ex 76, Paul Follis personnel file	Relevance; hearsay; unfair prejudice outweighs probative value
PX211	COH39092 - COH39092, Follis Depo Pl Ex 77, Paul Follis personnel file part 2 - 02/26/2019	Relevance; hearsay; unfair prejudice outweighs probative value
PX212	COH48328 - COH48328, Follis Depo Pl Ex 78, Paul Follis Complaint history - 09/01/2020	Relevance; hearsay; unfair prejudice outweighs probative value
PX213	CC00077470 - CC00077472, Follis Depo Pl Ex 79, Paul Follis interview, Incident 133932-19 Suppl 0048 - 02/13/2019	Relevance; hearsay; unfair prejudice outweighs probative value
PX215	COH77473 - COH77473, Follis Depo Pl Ex 81, Follis- Rhogena drug buys, Incident 133932-19 Suppl 0048 - 02/13/2019	Hearsay;
PX216	COH37694 - COH37707, Follis Depo Pl Ex 82, Paul Follis Administrative Statement IAD SW - 03/22/2019	Relevance; hearsay; unfair prejudice outweighs probative value
PX220	S2023.09-01 #00339 - S2023.09-01 #00343, Follis Depo Pl Ex 86, HCDAO Paul	Relevance; hearsay; unfair prejudice outweighs probative value

Pltfs No.	Description	Objections
	Follis Interview - 03/02/2020	
PX221	COH48317 - COH48330, Gallegos Depo PI Ex 87, Squad 15 Employee Complaint History - 02/01/2019	Relevance; hearsay; unfair prejudice outweighs probative value
PX222	COH6740 - COH6740, Gallegos Depo PI Ex 88, Gerald Goines Complaint History - 02/01/2019	Relevance; hearsay; unfair prejudice outweighs probative value
PX223	COH6764 - COH6764, Gallegos Depo PI Ex 89, Steven Bryant Complaint History - 02/01/2019	Relevance; hearsay; unfair prejudice outweighs probative value
PX226	COH5986 - COH6045, Gallegos Depo PI Ex 92, Felipe Gallegos Administrative Interview IAD OIS - 03/29/2019	<i>Gerrity</i> ; hearsay; unfair prejudice outweighs probative value
PX228	COH6046 - COH6053, Gallegos Depo PI Ex 94, Administrative Statement IAD OIS - 06/10/2019	<i>Gerrity</i> ; hearsay; unfair prejudice outweighs probative value
PX229	S2023.09-01 #01057- #01065, Gallegos Depo PI Ex 95, HCDAO Felipe Gallegos Statements, Addendum and Weapons Charting	hearsay; unfair prejudice outweighs probative value
PX230	COH6587 - COH6587, Gallegos Depo PI Ex 96, WhatsApp messages on photos - 01/27/2019	Hearsay
PX231	COH10289 - COH10312, Gallegos Depo PI Ex 97, WhatsApp messages on photos	Hearsay
PX233	COH7137 - COH7193, Gallegos Depo PI Ex 99, Gallegos photos	Unfair prejudice outweighs probative value
PX235	Gallegos Depo PI Ex 101, photo- house 3 blind shots	Unauthenticated; unfair prejudice outweighs probative value; <i>Daubert</i> unreliable expert opinion
PX236	Gallegos Depo PI Ex 101A, photo- house 3 closer blind shots	Unauthenticated; unfair prejudice outweighs probative value; <i>Daubert</i> unreliable expert opinion

Pltfs No.	Description	Objections
PX237	Gallegos Depo Pl Ex 102, house 4 photos	Unauthenticated; unfair prejudice outweighs probative value; <i>Daubert</i> unreliable expert opinion
PX238	Gallegos Depo Pl Ex 103, doorside 11 photos	Unauthenticated; unfair prejudice outweighs probative value; <i>Daubert</i> unreliable expert opinion
PX239	Gallegos Depo Pl Ex 104, door shot 13 photos	Unauthenticated; unfair prejudice outweighs probative value; <i>Daubert</i> unreliable expert opinion
PX242	Plaintiff Ex 107, Recovery of Likely Fatal Nicholas Bullet	Unauthenticated; <i>Daubert</i> unreliable expert opinion
PX243	COH5925 - COH5985, Sepolio Depo Pl Ex 107 Eric Sepolio Administrative Interview IAD OIS - 03/27/2019	<i>Gerrity</i> ; hearsay; unfair prejudice outweighs probative value
PX244	S2023.09-01 #01051-#01054, Sepolio Depo Pl Ex 108, HCDAO Eric Sepolio Statements, Addendum and Weapons Charting	Hearsay; unfair prejudice outweighs probative value
PX245	Sepolio Depo Pl Ex 109, Harding Home Schematic	Unauthenticated; unfair prejudice outweighs probative value;
PX246	None - COH3584, Plaintiff Ex 110, Incident 121337-19 DRAFT Suppl No 0002 (no bates) and 121337-19 DRAFT Suppl No 0005	Hearsay
PX247	Plaintiff Ex 111, Commission on Accreditation Information from website <a href="http://www.calea.org/about-us">http://www.calea.org/about-us</a> - 01/24/2024	<i>Daubert</i> unreliable opinion; relevance; unfair prejudice outweighs probative value
PX248	Plaintiff Ex 112, pistol cartridge photos	
PX249	Plaintiff Ex 113, Nicholas autopsy photos-fatal wound tracking	Unfair prejudice outweighs probative value
PX250	008002 NICHOLAS - 008002 NICHOLAS, Plaintiff Ex 114, Pistol indexing error photos and explanation	<i>Daubert</i> unreliable opinion; relevance
PX253	Plaintiff Ex 117, Recovery of Likely Fatal Nicholas Bullet	<i>Daubert</i> unreliable expert opinion

Pltfs No.	Description	Objections
PX254	Acevedo Depo Pl Ex 118, Fatal Nicholas bullet trajectory path/shooter location and field of view	<i>Daubert</i> unreliable expert opinion; demonstratives are not substantive evidence;
PX255	S2023.09-01 #00335 - S2023.09-01 #00335, Acevedo Depo Pl Ex 119, Excerpt from HCDAO Report	Hearsay; unfair prejudice outweighs probative value
PX256	Plaintiff Ex 120, Chap 143 Local Government Code, Title 5, Subtitle A, Section 143.001	Relevance; unfair prejudice outweighs probative value
PX258	COH38524 - COH38528, Wood Depo Pl Ex 122, Thomas Wood HPD Homicide SIU SW Interview - 02/05/2019	Hearsay
PX259	COH5805 - COH5863, Wood Depo Pl Ex 123, Thomas Wood Administrative Interview IAD OIS - 03/21/2019	<i>Gerrity</i> ; 5 <sup>th</sup> Amendment; unfair prejudice outweighs probative value
PX260	COH37924 - COH37983, Wood Depo Pl Ex 124, Thomas Wood Administrative Interview IAD SW - 04/03/2019	<i>Gerrity</i> ; 5 <sup>th</sup> Amendment; unfair prejudice outweighs probative value
PX261	S2023.09-01 #01072-#01076, Wood Depo Pl Ex 125, HCDAO Thomas Wood Statements, Addendum and Weapons Charting	Hearsay; unfair prejudice outweighs probative value
PX262	Wood Depo Pl Ex 126, Organized crime indictment (engaging in organized criminal activity) - 01/25/2021	Unauthenticated; hearsay; unfair prejudice outweighs probative value; the indictment was quashed; relevance
PX263	Wood Depo Pl Ex 127, 2nd organized crime indictment (Agg Theft) - 07/01/2020	Unauthenticated; hearsay; unfair prejudice outweighs probative value; relevance
PX264	Wood Depo Pl Ex 128, 3rd organized crime indictment (tampering governmental record) - 07/01/2020	Unauthenticated; hearsay; unfair prejudice outweighs probative value; relevance

Pltfs No.	Description	Objections
PX265	S2023.09-01 #01024-#01033, Plaintiff Ex 139, HCDAO Cedell Lovings Statements and Weapons Charting	Hearsay; unfair prejudice outweighs probative value
PX269	S2023.09-01 #01077-#01083, Plaintiff Ex 143, HCDAO Gerald Goines Statements and Weapons Charting	Hearsay; unfair prejudice outweighs probative value
PX271	COH83060 - COH83062, Reyna Depo Pl Ex 169, Clemente Reyna Employee Resume Report - 05/28/2021	Hearsay; unfair prejudice outweighs probative value
PX273	COH38513 - COH38522, Reyna Depo Pl Ex 171, Clemente Reyna Interview with HPD Homicide SIU - 02/05/2019	Hearsay
PX275	COH6054 - COH6122, Reyna Depo Pl Ex 173, Clemente Reyna Administrative Interview IAD OIS - 03/28/2019	<i>Gerrity</i> ; 5 <sup>th</sup> Amendment; unfair prejudice outweighs probative value
PX276	COH37812 - COH37922, Reyna Depo Pl Ex 174, Clemente Reyna Administrative Interview IAD SW - 04/01/2019	<i>Gerrity</i> ; 5 <sup>th</sup> Amendment; unfair prejudice outweighs probative value
PX277	S2023.09-01 #01066-#01071, Reyna Depo Pl Ex 175, HCDAO Clemente Reyna Statements, Addendum and Weapons Charting	Hearsay; unfair prejudice outweighs probative value
PX281	COH5752 - COH5804, Ashraf Depo Pl Ex 180, Nadeem Ashraf IAD Administrative Interview - 03/21/2019	<i>Gerrity</i> ; 4 <sup>th</sup> Amendment; unfair prejudice outweighs probative value
PX282	S2023.91-01 #01055 - S2023.91-01 #01056, Ashraf Depo Pl Ex 181, HCDAO Ashraf Statements with Addendum and Weapons Charting	Hearsay; unfair prejudice outweighs probative value
PX284	Duplechain Depo Pl Ex 183, photo deceased dog	Relevance; unfair prejudice outweighs probative value

Pltfs No.	Description	Objections
PX285	Duplechain Depo Pl Ex 184, Rhogena photo with dog	Relevance; unfair prejudice outweighs probative value
PX286	COH77673 - COH77679, Duplechain Depo Pl Ex 185, Incident 133932-19 Suppl No. 92	
PX287	Duplechain Depo Pl Ex 186, DA January 2023 (Brady vs. Maryland Disclosure) - 01/30/2023	Relevance; hearsay; unfair prejudice outweighs probative value
PX288	Duplechain Depo Pl Ex 187, DA Texas v. Goines- Amended Notice of Intention to Use Evidence of Prior Convictions, Extraneous Offenses and Bad Acts - 03/19/2024	Relevance; hearsay; unfair prejudice outweighs probative value
PX290	Duplechain Depo Pl Ex 189 - BARC 3-24 Interview Notes	Hearsay
PX291	Dupre Depo Pl Ex 13 AFTE Theory of Identification Document - 10/19/2023	
PX292	Acevedo Depo Pl Ex A1 video clip- parts 1 and 2	Hearsay; unauthenticated;
PX293	Acevedo Depo Pl Ex A2 video clip- parts 1 and 2	Hearsay; unauthenticated
PX294	Acevedo Depo Pl Ex A3 video clip	Hearsay; unauthenticated
PX295	Acevedo Depo Pl Ex A4 video clip	Hearsay; unauthenticated
PX296	Acevedo Depo Pl Ex A5 video clip	Hearsay; unauthenticated
PX297	Acevedo Depo Pl Ex A6 video clip	Hearsay; unauthenticated
PX298	Acevedo Depo Pl Ex A7 video clip	Hearsay; unauthenticated
PX299	TUTTLE 674 - TUTTLE 677, Gerald Goines Murder Warrant - 08/23/2019	Hearsay; unauthenticated; unfair prejudice outweighs probative value
PX300	State of TX v. Goines; State Amended Notice of Intention to Use Evidence of Prior Acts (printed from Harris County District Clerk website) - 03/19/2024	Hearsay; unauthenticated; unfair prejudice outweighs probative value
PX301	002882 NICHOLAS - 002899 NICHOLAS, 4:19-cr-00832; Doc. 113 Steven Bryant Plea Agreement (printed from PACER) -	Hearsay; unauthenticated; unfair prejudice outweighs probative value

Pltfs No.	Description	Objections
	06/01/2021	
PX302	002936 NICHOLAS - 003067 NICHOLAS, 4:19-cr-00832; Doc. 35-4 Arraignment/Detention Hearing Transcript (printed from PACER) - 11/27/2019	Relevance; unfair prejudice outweighs probative value
PX314	COH38391 - COH38393, Photograph of Notes from Blankenship-Reeves to Lieutenant Todd	Hearsay; Unauthenticated (back is missing)
PX323	COH379 - COH396, HPD General Order 400- 28 (2016) Body Worn Cameras - 03/24/2016	Relevance; unfair prejudice outweighs probative value
PX324	COH397 - COH410, HPD General Order 400- 28 (2017) Body Worn Cameras - 08/16/2017	Relevance; unfair prejudice outweighs probative value
PX334	COH47085 - COH47086, Todd Depo Pl Ex 16 - 2017-12-00	Duplicative; see earlier objections
PX335	COH45471 - COH45516, Todd Depo Pl Ex 17 - 12/12/2017	Duplicative; see earlier objections
PX336	COH47103 - COH47106, Todd Depo Pl Ex 18	Duplicative; see earlier objections
PX337	COH47108 - COH47141, Todd Depo Pl Ex 19 - 04/02/2019	Duplicative; see earlier objections
PX338	COH5426 - COH6815, IAD OIS Investigation (Issue Record 54047-2019)	<i>Gerrity</i> ; unfair prejudice outweighs probative value
PX339	COH37473 - COH39107, IAD SW Investigation (Issue Record 54155-2019)	<i>Gerrity</i> ; 5 <sup>th</sup> Amendment; unfair prejudice outweighs probative value
PX345	TUTTLE000001 - TUTTLE000001, Dennis Tuttle Honorable Navy Discharge	Relevance; unfair prejudice outweighs the probative value
PX346	TUTTLE000002 - TUTTLE000003, Dennis Tuttle Birth Certificate	Relevance; unauthenticated



Pltfs No.	Description	Objections
PX347	TUTTLE000004 - TUTTLE000004, Dennis Tuttle Death Certificate	Relevance; unauthenticated
PX348	Dennis Tuttle Order Granting Letters of Administration	Relevance;
PX349	Rhogenia Nicholas Order For Administration	Relevance
PX350	COH43090 - COH00043098, Robert Gonzales Appeal to General Discharge - 05/11/2020	Relevance; unfair prejudice outweighs probative value
PX351	COH43993 - COH44000, Clemente Reyna Appeal of Discharge Status - 02/26/2020	Relevance; unfair prejudice outweighs probative value
PX352	COH46068 - COH46072, Robert Gonzales Performance/Efficiency Rating - 02/28/2018	Duplicative; hearsay; relevance; unfair prejudice outweighs probative value
PX353	COH46063 - COH46067, Robert Gonzales Performance/Efficiency Rating - 08/31/2018	Duplicative; hearsay; relevance; unfair prejudice outweighs probative value
PX354	COH46058 - COH46062, Robert Gonzales Performance/Efficiency Rating - 02/28/2019	Duplicative; hearsay; relevance; unfair prejudice outweighs probative value
PX355	COH44064 - COH44064, Clemente Reyna Performance/Efficiency Rating - 08/31/2017	Relevance; hearsay; unfair prejudice outweighs probative value
PX356	COH44060 - COH44060, Clemente Reyna Performance/Efficiency Rating - 02/28/2018	Relevance; hearsay; unfair prejudice outweighs probative value
PX357	COH44059 - COH44059, Clemente Reyna Performance/Efficiency Rating - 08/31/2018	Relevance; hearsay; unfair prejudice outweighs probative value
PX358	COH44042 - COH44042, Clemente Reyna Performance/Efficiency Rating - 02/28/2019	Relevance; hearsay; unfair prejudice outweighs probative value
PX359	COH43682 - COH43682, T.A. Wood Performance/Efficiency Rating - 02/28/2018	Relevance; hearsay; unfair prejudice outweighs probative value
PX360	COH43681 - COH43681, T.A. Wood Performance/Efficiency Rating - 08/31/2018	Relevance; hearsay; unfair prejudice outweighs probative value

<b>Pltfs No.</b>	<b>Description</b>	<b>Objections</b>
PX361	COH43667 - COH43677, T.A. Wood Performance/Efficiency Rating - 02/28/2019	Relevance; hearsay; unfair prejudice outweighs probative value
PX362	COH83040 - COH83041, Nadeem Ashraf Employee Resume Report - 05/28/2021	Hearsay
PX363	COH83042 - COH83044, Steven Bryant Employee Resume Report - 05/28/2021	Hearsay
PX364	COH83045 - COH83046, Felipe Gallegos Employee Resume Report - 05/28/2021	Hearsay
PX365	COH83047 - COH83050, Gerald Goines Employee Resume Report - 05/28/2021	Hearsay
PX366	COH83051 - COH83053, Robert Gonzales Employee Resume Report - 05/28/2021	Hearsay
PX367	COH83054 - COH83055, Cedell Lovings Employee Resume Report - 05/28/2021	Hearsay
PX368	COH83056 - COH83057, Frank Medina Employee Resume Report - 05/28/2021	Hearsay
PX369	COH83058 - COH83059, Oscar Pardo Employee Resume Report - 05/28/2021	Hearsay
PX370	COH83060 - COH83062, Clemente Reyna Employee Resume Report - 05/28/2021	Hearsay
PX371	COH83063 - COH83064, Manuel Salazar Employee Resume Report - 05/28/2021	Hearsay
PX372	COH83065 - COH83066, Eric Sepolio Employee Resume Report - 05/28/2021	Hearsay
PX373	COH83067 - COH83069, Thomas Wood Employee Resume Report - 05/28/2021	Hearsay

Pltfs No.	Description	Objections
PX374	Beynon Depo Pl Exhibits 50-71 autopsy reports of Dennis Tuttle and Rhogena Nicholas and photos (All Exhibits have COH Bates numbers except Exhibit 58 (000049 NICHOLAS), Exhibit 64 (Crime Scene Photo- Regina) and Exhibit 71 (Beynon CV)	Duplicative; unfair prejudice outweighs probative value
PX375	TUTTLE 004695 - TUTTLE 004710, Tuttle/Nicholas Income Tax Returns	Relevance
PX376	TUTTLE 004711 - TUTTLE 004721, Tuttle Family photos (11)	Relevance
PX384	000093 NICHOLAS - 000183 NICHOLAS, Maloney Forensic photos	<i>Daubert</i> unreliable opinion; unauthenticated
PX385	007897 NICHOLAS - 007904 NICHOLAS, Jeff Goudeau photos	<i>Daubert</i> unreliable opinion; unauthenticated
PX387	COH5718 - COH5734, Joseph Arechiga IAD Administrative Statement - 03/14/2019	<i>Gerrity</i> ; unfair prejudice outweighs probative value
PX390	COH5752 - COH5804, Nadeem Ashraf IAD Administrative Interview - 03/21/2019	<i>Gerrity</i> ; 5 <sup>th</sup> Amendment; unfair prejudice outweighs probative value; hearsay
PX391	S2023.91-01 #01055 - S2023.91-01 #01056, HCDAO Ashraf Statements with Addendum and Weapons Charting	Hearsay; unfair prejudice outweighs probative value
PX392	COH37653 - COH37664, Nicole Blankenship-Reeves IAD Administrative Statement SW - 03/18/2019	<i>Gerrity</i> ; unfair prejudice outweighs probative value
PX393	COH5735 - COH5751, Nicole Blankenship-Reeves IAD Administrative Statement OIS - 03/18/2019	<i>Gerrity</i> ; unfair prejudice outweighs probative value
PX394	COH77437 - COH77439, Nicole Blankenship-Reeves Interview (Summary) - 02/05/2019	Hearsay
PX396	COH4088 - COH4088, Nicole Blankenship-Reeves Audio - 02/05/2019	Hearsay

Pltfs No.	Description	Objections
PX398	COH38489 - COH38505, Steven Bryant SIU Interviews with Narcotics Division - 02/07/2019	Hearsay
PX399	S2023.09-01 #01022-#01023, HCDAO Bryant Statements and Weapons Charting	Hearsay; unfair prejudice outweighs probative value
PX400	COH14381 - COH14381, Paul Follis SIU Interview audio file - 02/13/2019	Hearsay
PX401	COH77470 - COH77472, Paul Follis SIU Interview - 02/13/2019	Hearsay
PX402	COH37694 - COH37707, Paul Follis Administrative Statement IAD SW - 03/22/2019	<i>Gerrity</i> ; unfair prejudice outweighs probative value
PX403	S2023.09-01 #00339-#00343, HCDAO Paul Follis Interview - 03/02/2020	Hearsay; unfair prejudice outweighs probative value
PX406	COH5986 - COH6045, Felipe Gallegos Administrative Interview IAD OIS - 03/29/2019	<i>Gerrity</i> ; hearsay; unfair prejudice outweighs probative value
PX408	S2023.09-01 #01057-#01065, HCDAO Felipe Gallegos Statements, Addendum and Weapons Charting	Hearsay; unfair prejudice outweighs probative value
PX410	COH5703 - COH5717, Samuel Garza IAD Administrative Statement - 03/14/2019	<i>Gerrity</i> ; hearsay; unfair prejudice outweighs probative value
PX412	S2023.09-01 #01077-#01083, HCDAO Gerald Goines Statements and Weapons Charting	Hearsay; unfair prejudice outweighs probative value

Pltfs No.	Description	Objections
PX414	COH37709 - COH37810, Robert Gonzales Administrative Interview IAD SW - 03/29/2019	<i>Gerrity</i> ; 5 <sup>th</sup> Amendment; hearsay; unfair prejudice outweighs probative value
PX415	COH37641 - COH37651, J.A. John-Louis Administrative Statement IAD SW - 03/14/2019	<i>Gerrity</i> ; unfair prejudice outweighs probative value
PX418	S2023.09-01 #01024-#01033, HCDAO Cedell Lovings Statements and Weapons Charting	Hearsay; unfair prejudice outweighs probative value
PX419	COH5643 - COH5656, Griff Maxwell Administrative Statement IAD OIS - 03/14/2019	<i>Gerrity</i> ; unfair prejudice outweighs probative value
PX422	COH5864 - COH5924, Frank Medina Administrative Interview IAD OIS - 03/27/2019	<i>Gerrity</i> , 5 <sup>th</sup> Amendment; hearsay; unfair prejudice outweighs probative value
PX423	S2023.09-01 #01014-#01021, HCDAO Frank Medina Statements and Weapons Charting	Hearsay; unfair prejudice outweighs probative value
PX425	COH77442 - COH77443, Richard Morales HPD Interview (Summary) - 02/06/2019	Hearsay
PX426	COH5687 - COH5702, Richard Morales Administrative Statement IAD OIS - 03/18/2019	<i>Gerrity</i> ; unfair prejudice outweighs probative value
PX428	COH5671 - COH5686, Yvette Ortiz Administrative Statement IAD OIS - 03/13/2019	<i>Gerrity</i> ; unfair prejudice outweighs probative value

Pltfs No.	Description	Objections
PX431	COH6123 - COH6186, Oscar Pardo Administrative Statement IAD OIS - 03/29/2019	<i>Gerrity</i> ; 5 <sup>th</sup> Amendment; unfair prejudice outweighs probative value
PX432	S2023.09-01 #01041-#01050, HCDAO Frank Medina Statements, Addendum and Weapons Charting	Hearsay; unfair prejudice outweighs probative value
PX434	COH38513 - COH38523, Clemente Reyna Interview with HPD Homicide SIU - 02/05/2019	Hearsay
PX436	COH6054 - COH6122, Clemente Reyna Administrative Interview IAD OIS - 03/28/2019	<i>Gerrity</i> ; 5 <sup>th</sup> Amendment; hearsay; unfair prejudice outweighs probative value
PX437	COH37812 - COH37922, Clemente Reyna Administrative Interview IAD SW - 04/01/2019	<i>Gerrity</i> ; 5 <sup>th</sup> Amendment; hearsay; unfair prejudice outweighs probative value
PX438	S2023.09-01 #01066-#01071, HCDAO Clemente Reyna Statements, Addendum and Weapons Charting	Hearsay; unfair prejudice outweighs probative value
PX440	COH5657 - COH5670, Valeriano Rios Administrative Statement IAD OIS - 03/13/2019	<i>Gerrity</i> ; unfair prejudice outweighs probative value
PX443	COH6187 - COH6247, Manuel Salazar Administrative Interview IAD OIS - 03/28/2019	<i>Gerrity</i> ; 5 <sup>th</sup> Amendment; hearsay; unfair prejudice outweighs probative value
PX444	S2023.09-01 #01034-#01040, HCDAO Manuel Salazar, Statements, Addendum and Weapons Charting	hearsay; unfair prejudice outweighs probative value

Pltfs No.	Description	Objections
PX447	COH5925 - COH5985, Eric Sepolio Administrative Interview IAD OIS - 03/27/2019	<i>Gerrity</i> ; 5 <sup>th</sup> Amendment; hearsay; unfair prejudice outweighs probative value
PX448	S2023.09-01 #01051-#01054, HCD AO Eric Sepolio Statements, Addendum and Weapons Charting	hearsay; unfair prejudice outweighs probative value
PX449	COH77444 - COH77444, Marsha Todd HPD Interview Summary - 02/07/2019	Hearsay
PX450	COH37666 - COH37692, Marsha Todd Administrative Interview IAD SW - 03/20/2019	<i>Gerrity</i> ; hearsay; unfair prejudice outweighs probative value
PX453	COH5805 - COH5863, Thomas Wood Administrative Interview IAD OIS - 03/21/2019	<i>Gerrity</i> ; 5 <sup>th</sup> Amendment; hearsay; unfair prejudice outweighs probative value
PX454	COH37924 - COH37983, Thomas Wood Administrative Interview IAD SW - 04/03/2019	<i>Gerrity</i> ; 5 <sup>th</sup> Amendment; hearsay; unfair prejudice outweighs probative value
PX455	S2023.09-01 #01072-#01076, HCD AO Thomas Wood Statements, Addendum and Weapons Charting	hearsay; unfair prejudice outweighs probative value
PX461	COH10302 - COH10308, S15 Pre-Raid Texts	Duplicative; see earlier objections
PX462	COH36292 - COH36292, Marsha Todd/Gerald Goines Texts	Duplicative; see earlier objections
PX463	COH77520 - COH77520, Transcript of Marsha Todd/Gerald Goines Texts	Duplicative; see earlier objections
PX464	002926 NICHOLAS - 002935 NICHOLAS, Rhogena Nicholas Text Messages	Relevance; unfair prejudice outweighs probative value

Pltfs No.	Description	Objections
PX465	COH34807.mp4 - Taste of Texas Video - 01/27/2019	Duplicative; Relevance; see earlier objections
PX466	002503 NICHOLAS - 002503 NICHOLAS, Nicholas- 10 Sarah Sanchez Cell Phone Videos	Relevance; hearsay; not authenticated; unfair prejudice outweighs probative value
PX467	COH19092.avi - Neighbor Security Cam video - 01/28/2019	duplicative
PX468	COH16961.avi - Neighbor Security Cam video - 01/28/2019	Duplicative
PX469	COH16930.avi - Neighbor Security Cam video - 01/28/2019	Duplicative
PX470	COH16924.avi - Neighbor Security Cam video - 01/28/2019	Duplicative
PX474	002504 NICHOLAS - 002504 NICHOLAS, 39 Press Videos	Duplicative; hearsay; unauthenticated; unfair prejudice outweighs probative value
PX475	002505 NICHOLAS - 002505 NICHOLAS, 36 Acevedo Press Videos	Duplicative; hearsay; unauthenticated; unfair prejudice outweighs probative value
PX476	Texas Ranger Synced Video	Duplicative
PX477	007884 NICHOLAS - 007888 NICHOLAS, Plaintiff Expert Robert Bux CV - 07/13/2021	Hearsay
PX478	008015 NICHOLAS - 008024 NICHOLAS, Plaintiff Expert Robert Bux Expert Report - 01/16/2024	Hearsay
PX479	000077 NICHOLAS - 000078 NICHOLAS, Scales Biological Laboratory Preliminary DNA Report - 10/02/2019	Hearsay; unauthenticated; <i>Daubert</i> unreliable opinion testimony; prejudice outweighs probative value
PX480	007917 NICHOLAS - 007962 NICHOLAS, Andrew Scott Expert Report - 01/15/2024	Hearsay; unauthenticated; <i>Daubert</i> unreliable opinion testimony; prejudice outweighs probative value



Pltfs No.	Description	Objections
PX481	008274 NICHOLAS - 008301 NICHOLAS, Andrew Scott CV - 05/29/2024	Hearsay; unauthenticated; <i>Daubert</i> unreliable opinion testimony; prejudice outweighs probative value
PX482	001969 NICHOLAS - 001984 NICHOLAS, Art Acevedo Audio Transcription - 08/27/2019	Hearsay; unauthenticated; prejudice outweighs probative value
PX483	002880 NICHOLAS - 002881 NICHOLAS, HPD OIS Data Officer Involve	Hearsay; unauthenticated; prejudice outweighs probative value
PX484	City of Houston OIS shooting data from 2008- 2021. HPD Website available at: <a href="https://www.houstontx.gov/police/ois/">https://www.houstontx.gov/police/ois/</a>	Hearsay; unauthenticated; prejudice outweighs probative value
PX485	Exhibit AA to Plaintiff's Motion for Summary Judgment Response; Declaration of Nicholas Watson - 03/14/2016	Hearsay; Affidavit testimony is not admissible at trial; relevance; unfair prejudice outweighs probative value
PX486	Exhibit AI to Plaintiff's Motion for Summary Judgment Response; Jury Charge as answered from Gomez v. City of Houston - 07/13/2021	Relevance; hearsay; unfair prejudice outweighs probative value

Respectfully submitted,  
**ARTURO G. MICHEL**  
City Attorney

Date: October 25, 2024.

By: /s/ Melissa Azadeh

CHRISTY L. MARTIN  
Chief, Torts/Civil Rights  
SBN: 24041336  
FBN: 754168  
Phone: (832) 393-6438 (direct)  
[christy.martin@houstontx.gov](mailto:christy.martin@houstontx.gov)

MELISSA AZADEH  
Senior Assistant City Attorney  
SBN: 24064851  
FBN: 1090186  
Phone: (832) 393-6270 (direct)  
[melissa.azadeh@houstontx.gov](mailto:melissa.azadeh@houstontx.gov)

MICHELLE TAYLOR  
Senior Assistant City Attorney  
SBN: 224060889  
FBN: 3773284  
Phone: (832) 393-6248 (direct)  
[michelle.taylor2@houstontx.gov](mailto:michelle.taylor2@houstontx.gov)

ALEXANDER GARCIA  
Assistant City Attorney  
SBN: 24104429  
FBN: 3852904  
Phone: (832) 393-6293 (direct)  
[alexander.garcia@houstontx.gov](mailto:alexander.garcia@houstontx.gov)

CITY OF HOUSTON LEGAL DEPARTMENT  
900 Bagby, 4<sup>th</sup> Floor  
Houston, Texas 77002

**Attorneys for Defendants Nadeem Ashraf, Robert Gonzales, Cedell Lovings, Frank Medina, Oscar Pardo, Clemente Reyna, Manuel Salazar, Eric Sepolio, and Thomas Wood**

### CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of October 2024 a true and correct copy of the foregoing document was delivered to all opposing counsel(s) by electronic filing of same in accordance with the District's ECF service rules, to:

Michael Patrick Doyle  
[mdoyle@doylelawfirm.com](mailto:mdoyle@doylelawfirm.com)  
Jeffrey I. Avery  
[jeffavery@doylelawfirm.com](mailto:jeffavery@doylelawfirm.com)  
Patrick M. Dennis  
Doyle LLP  
3401 Allen Parkway, Suite 100  
Houston, Texas 77019  
[service@doylelawfirm.com](mailto:service@doylelawfirm.com)

Michael T. Gallagher  
The Gallagher Law Firm  
2905 Sackett St  
Houston, TX 77098  
[mike@gld-law.com](mailto:mike@gld-law.com)

Charles Bourque, Jr.  
St. Martin & Bourque  
315 Barrow St  
Houma, LA 70360  
[cbourque@stmblaw.com](mailto:cbourque@stmblaw.com)

Dwayne Richard Day  
Attorney at Law  
3401 Allen Pkwy, Suite 100  
Houston, TX 77019  
[dday@ddaylaw.com](mailto:dday@ddaylaw.com)

David Allen Nachtigall  
Attorney at Law, PLLC  
1545 Heights, Ste. 100  
Houston, TX 77008  
[david@dntriallaw.com](mailto:david@dntriallaw.com)

Margaret Bryant  
Ware, Jackson, Lee, O'Neill, Smith  
& Barrow, L.L.P.

2929 Allen Parkway, 39<sup>th</sup> floor  
Houston, TX 77019

Alistair B. Dawson  
[adawson@beckredde.com](mailto:adawson@beckredde.com)  
Lena Elizabeth Silva  
[lsilva@beckredde.com](mailto:lsilva@beckredde.com)  
Garrett Scott Brawley  
[gbrawley@beckredde.com](mailto:gbrawley@beckredde.com)  
Beck Redden LLP  
1221 McKinney, Ste 4500  
Houston, TX 77010

Harold Al Odom, III  
Odom Law Firm  
601 Sawyer, Suite 225  
Houston, TX 77007  
[aodom@aodowlawfirm.com](mailto:aodom@aodowlawfirm.com)

Russell Hardin, Jr  
[rhardin@rustyhardin.com](mailto:rhardin@rustyhardin.com)  
John Garnet MacVane  
[jmacvane@rustyhardin.com](mailto:jmacvane@rustyhardin.com)  
Marshall Douglas Murphy  
[dmurphy@rustyhardin.com](mailto:dmurphy@rustyhardin.com)  
Rachel Mae Lewis  
[rlewis@rustyhardin.com](mailto:rlewis@rustyhardin.com)  
Rusty Hardin and Associates  
1401 McKinney, Ste 2250  
Houston, TX 77010  
Letitia D. Quinones  
Quinones & Associates, PLLC  
2202 Ruth Street  
Houston, TX 77004  
[lquinones@rustyhardin.com](mailto:lquinones@rustyhardin.com)

/s/ Melissa Azadeh

Melissa Azadeh